



SIERRA CLUB

DELAWARE CHAPTER

December 2, 2022

Department of Natural Resources and Environmental Control
100 West Water Street, Suite 6A
Dover, Delaware 19904

Via Electronic Mail to DNRECHearingComments@delaware.gov

Re: Sierra Club Comments Re: Docket #2022-P-Multi-0012: Bioenergy Innovation Center

To Whom It May Concern:

As one of the oldest environmental grassroots organizations in the state, the Delaware Chapter of the Sierra Club has been at the forefront of protecting our air and water quality and supporting state policies to reduce the negative impacts of climate change now and in the future. That focus has expanded to include working to rectify or prevent the environmental injustices that affect many of the state's citizens.

While we have also submitted joint comments with Food and Water Watch, SRAP, SHEN, and others, we also want to ensure our specific concerns regarding the BioEnergy Development Company (BDC) permit applications are properly registered.

Sierra Club's Primary Areas of Concern

1. Proximity to Residential Communities

BDC's proposal would locate an industrial facility in an area where people live and worship. EPA's EJ Tracker indicates that 47% of the people living within a one mile radius of the proposed project are people of color, and 35% are low income. The proposed facility would operate in an area where several of the hazardous exposure factors measured by the EPA's EJ Screen tool (below) including ozone, PM2.5, diesel PM, traffic proximity, proximity to superfund sites, etc. are already approaching or exceeding the 70th percentile relative to national exposure levels.

With the addition of over 20 tons of carbon monoxide emissions from flare operations, and unaccounted for emissions from a significant increase in truck traffic (PM 2.5 & diesel particulate), expanded digestate storage and fugitive process emissions it would be reasonable to assume that air quality in the area will deteriorate. Likewise, noise, dusts, and odors from transport and processing operations will have additional negative impacts on the quality of life for nearby residents. Before a decision is made on these permits DNREC should require a cumulative health impact analysis to better



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understand and characterize the implications of the new emissions and risks from this project in combination with those that already exist.

Fire and explosion are two of the key safety risks associated with anaerobic digesters. There has been little discussion of how those risks could impact nearby residents and how they would be mitigated. While equipment failure, improper or inadequate maintenance and operating errors are the typical causes of digester explosions, BDC's facility would create an additional level of risk due to the routine loading of compressed methane gas into trucks. Each of these loading events would present an opportunity for error with potential consequences ranging from the escape of fugitive methane emissions to a worst case scenario of an explosion. An assessment of the blast radius in the event of an explosion at the facility and the resulting impact on nearby residents should be performed, and DNREC should assure that proper mitigations are in place to prevent such an occurrence.

2. **Better Coordination Between DNREC and DeIDOT**

DeIDOT's traffic studies appear to have focused on the traffic impact for Route 13, but little information was provided regarding the significant increase in truck traffic on secondary roads and through adjacent residential areas. Aside from the added traffic load to those roads and streets, the safety implications of heavy trucks carrying poultry waste and refined methane gas, and the emissions, noise and odors from those trucks should be more deeply assessed and characterized. We believe this is an opportunity for a more intense exchange between these two Departments in reviewing these permit applications.

3. **Increased Fossil Fuel Production vs. the Climate Action Plan**

Reducing the consumption of fossil fuels is a cornerstone of Delaware's Climate Action Plan. BDC's proposal would further hamper the achievement of the plans goals by generating a new and additional fossil fuel source for consumption. BDC's production of refined methane gas would not reduce fracking for natural gas, and would actually create some volume of methane gas that would not otherwise exist. Likewise, the environmental impact of transporting industrial farm waste and refined methane gas will consume more fossil fuels and add to existing levels of greenhouse gas emissions. While it may be argued that bio-gas is renewable, considering this project as being environmentally and climate friendly is essentially "green washing", and totally antithetical to the stated intent and goals of the Climate Action Plan. This plan will only serve to increase greenhouse gas emissions and the associated co-pollutants, and DNREC must seriously consider how it will meet its commitment under the Climate Action Plan while increasing greenhouse gas emissions.



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4. Water Quality

Many of the potential issues associated with the negative impacts of BDC’s proposal on water quality have been well stated by Food and Water Watch and others. The state’s existing issues with surface and ground water contamination in Sussex County have been well documented. However, we would like to further emphasize two key points relative to the implications for an already poor water quality situation.

While processing poultry waste through an anaerobic digestion system might reduce nitrate loading of farm land, any potential benefits could be outweighed by the volume of waste brought in from other states if the digestate is applied to Delaware farmlands. Again, a deeper analysis of this scenario is suggested, and we ask that the plan to import waste be reconsidered.

The Gum Branch tributary runs adjacent BDC’s facility and empties into the Nanticoke River. Runoff from the site may be directed towards the facility’s lagoon which may provide some level of protection under normal circumstances. However, in a heavy rain or severe weather event the lagoon could easily overflow into Gum Branch, and given the increased storage of digestate, and the potential spills from unloading and digester operations, the content and concentrations of material in the lagoon could further contaminate the tributary, the areas between the tributary and the river, and the already compromised Nanticoke River. We suggest further analysis of this potential risk.

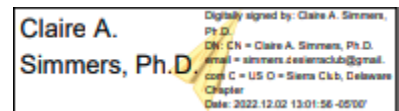
Summary:

In summary, The Delaware Sierra Club Chapter has serious concerns regarding the potential for BDC’s project to harm area residents and create a new Environmental Justice community in Delaware, further reduce air and water quality in the state, and to create new barriers to accomplishing the goals laid out in the Climate Action Plan. We ask that this proposal undergo a more rigorous evaluation, and if the major risks identified cannot be adequately mitigated, that these permit applications be denied.

Signed,

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